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Remediation Guidance And Policy Documents

Important Links

Program Policies issued by the Division of Environmental Remediation (DER) include Technical and Administrative Guidance Memorandums (TAGMs), Spill Technology and Remediation Series </regulatory/guidance-and-policy-documents/spill-response-and-remediation-guidance-documents> (STARS), Spill Prevention Operations Technology Series </regulatory/regulations/bulk-storage-guidance-documents> (SPOTS) and the Spill Guidance Manual </regulatory/regulations/spill-guidance-manual-sgm> (SGM). These guidance series are being updated and replaced by the DER series (DER-#).

Proposed Guidance:

CP-51, Soil Cleanup Guidance – DER is issuing revisions to Commissioner's Policy (CP)-51, Soil Cleanup Guidance for public comment.

PURPOSE: CP-51 was first issued in October 2010. The policy describes the procedures for developing soil cleanup levels for remedial programs administered by the New York State DEC Division of Environmental Remediation (DER) that are not otherwise listed in the Soil Cleanup Objective tables published in 6 NYCRR Part 375, Environmental Remediation Programs.

Revisions include:

- Guidance values for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) are provided.
- Updated guidance values on polychlorinated biphenyl (PCB) cleanups to be consistent with the U.S. Environmental Protection Agency's cleanup criteria.
- Updates to the supplemental soil cleanup objectives in Table 1.
- Values for ecological resource and protection of groundwater are revised and the basis for the new values is included in an appendix.
- Residential values previously included in Table 1 were based on outdated criteria and procedures and have been removed. New cleanup values for those contaminants will be developed.
- Various other amendments to incorporate needed changes, clarifications, and modifications to the policy based on experience gained since the policy was first implemented.

Text of Proposed Revisions to CP-51 </sites/default/files/2024-06/draftcp51revised.pdf>

Red-line Strike-out Document of Comparing October 2010 issued CP-51 versus June 2024 Proposed Revisions </sites/default/files/2024-06/risocp512010vs2024.pdf>

Combined Appendices, A-E </sites/default/files/2024-06/combinedappendixa.pdf> A revised document correcting a typo in the values for 1,2,4-Trimethylbenzene and 1,3,5-Trimethylbenzene in Tables 2 and 3 was re-posted on June 25, 2024.

The public is invited to submit written comments on the proposed policy through 5:00 p.m. on September 26, 2024.

Submit written comments as follows:

1. By email to derweb@dec.ny.gov. Please include "Comments on Proposed CP-51" in the subject line of the email; or
2. By mail to the NYS DEC - Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7012, attention: Jenn Dawson

Requests for information on the proposed policy may be directed to Jenn Dawson, NYS DEC - Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7012, E-mail: derweb@dec.ny.gov.

DER-41, Financial Assurance Guidance - DER issued DER-41, Financial Assurance (FA) Guidance for public comment on October 12, 2023. Public comments on this policy are being reviewed.

PURPOSE: This program policy provides guidance to project managers and remedial parties to ensure that financial funding is available for the continued Operation, Maintenance, and Monitoring (OM&M), and enforcement of institutional or engineering controls required by a Decision Document and/or a Consent Order. These controls are necessary for the continued protection of public health and the environment. At a minimum, FA will be required as part of the remedial alternative if: the present worth of the OM&M costs are greater than three million dollars; or it is anticipated that the selected remedy will require OM&M for greater than 10 years.

Text of Proposed DER-41 </docs/remediation_hudson_pdf/der41draftpolicy.pdf>

Text of Proposed FA Instruments

- Trust Fund </docs/remediation_hudson_pdf/der41trustschedule.pdf>
- Surety Bond </docs/remediation_hudson_pdf/der41suretybond.pdf>
- Standby Trust </docs/remediation_hudson_pdf/der41standbytrust.pdf>
- Letter of Credit </docs/remediation_hudson_pdf/der41loc.pdf>
- Insurance Policy </docs/remediation_hudson_pdf/der41insurance.pdf>

Requests for information on the proposed policy may be directed to Jennifer Dawson, NYS DEC - Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7012, E-mail: derweb@dec.ny.gov.

Issued Guidance:

- CP-43: Groundwater Monitoring Well Decommissioning Policy (PDF, 35 pages, 519 KB) </docs/remediation_hudson_pdf/cp43mwdecomm.pdf> - Issued 11/03/2009; Effective 12/18/2009. This Commissioner Policy addresses groundwater monitoring wells being properly decommissioned when they are no longer needed and reuse by another program is not an option, or when their integrity is suspect or compromised.
- CP-51: Soil Cleanup Guidance Policy (PDF, 21 pages, 201 KB) </docs/remediation_hudson_pdf/cpsoil.pdf> - Issued 10/21/2010; Effective 12/03/2010. This Commissioner Policy provides a uniform and consistent process for the selection of soil cleanup levels appropriate for each of the remedial programs in DEC. This policy is intended for the use and guidance of both DEC staff and remedial parties, and it is used in conjunction with applicable statutes, regulations and guidance.
- DER-2: Making Changes to Selected Remedies (PDF, 4 pages, 24 KB) </docs/remediation_hudson_pdf/der2.pdf> - Revised 04/01/2008
- DER-10: Technical Guidance for Site Investigation and Remediation </regulatory/regulations/technical-guidance-for-site-investigation-and-remediation-der-10> - Issued 05/03/2010; Effective 06/18/2010. This Program Policy provides an overview of the site investigation and remediation process for the Inactive Hazardous Waste Disposal Site Remedial Program, known as State Superfund Program; Brownfield Cleanup Program; Environmental Restoration Program; and Voluntary Cleanup Program; and for certain petroleum releases.
- DER-13: Strategy For Prioritizing Vapor Intrusion Evaluations at Remedial Sites in New York (PDF, 16 pages, 56 KB) </docs/remediation_hudson_pdf/der13.pdf> - Issued 10/18/2006
- DER-23: Citizen Participation Handbook for Remedial Programs (PDF, 53 pages, 479 KB) </docs/remediation_hudson_pdf/der23.pdf> - Revised Guidance issued 01/12/2021; Effective 02/26/2021. Citizen Participation Support Materials for DER-23 (PDF, 63 pages, 557 KB) </docs/remediation_hudson_pdf/der23cpsupport.pdf>
- DER-24: Assistance for Contaminated Water Supplies (PDF, 17 pages, 127 KB) </docs/remediation_hudson_pdf/der24.pdf> - Issued 07/15/2008
- DER-31: Green Remediation (PDF, 9 pages, 104 KB) </docs/remediation_hudson_pdf/der31.pdf> - Issued 08/11/2010; Effective 09/17/2010. This Program Policy establishes a preference for remediating sites in the most sustainable manner while still meeting all legal, regulatory and program requirements. This guidance applies to all phases of the site cleanup process, from investigation through completion of remediation, for sites in the Spill Response Program, Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program), Environmental Restoration Program, Brownfield Cleanup Program, Voluntary Cleanup Program, and Resource Conservation and Recovery Act Program.
- DER-32: Brownfield Cleanup Program Applications and Agreements (PDF, 13 pages, 102 KB) </docs/remediation_hudson_pdf/der32.pdf> - Issued 07/28/2017; Effective 09/08/2017. This program policy provides guidance on the application process and general terms and conditions for Brownfield Cleanup Agreements (BCAs) under DEC's Brownfield Cleanup Program (BCP). It also includes guidance on the process for amending and terminating a BCA. For additional information about the application process, refer to the BCP application form (with instructions) </environmental-protection/site-cleanup/brownfield-and-state-superfund-programs/brownfield> under "How to Apply" and the standard BCA </environmental-protection/site-cleanup/brownfield-and-state-superfund-programs/brownfield> under "Brownfield Cleanup Agreement."

- DER-33: Institutional Controls - A Guide to Drafting and Recording Institutional Controls (PDF, 12 pages, 80 KB) [</docs/remediation_hudson_pdf/der33.pdf>](#)~ Issued 12/03/2010; Effective 01/14/2011. This Program Policy provides an overview of the drafting and recording of Institutional Controls (ICs) for remedial programs in DEC's Division of Environmental Remediation. This guidance applies to sites in the Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program), Brownfield Cleanup Program, Voluntary Cleanup Program, Environmental Restoration Program, Spill Response Program, and Resource Conservation and Recovery Act Program. Related References: Model Environmental Easement and Model Deed Restriction [</environmental-protection/site-cleanup/brownfield-and-state-superfund-programs/finalizing-remedial-projects>](#); Model Environmental Notice (PDF, 2 pages, 19 KB) [</docs/remediation_hudson_pdf/envnoticetemplate.pdf>](#)
- Guidelines for Sampling and Analysis of PFAS (PDF, 36 pages, 2.0 MB) [</docs/remediation_hudson_pdf/pfassampanaly.pdf>](#) - Issued 01/06/2021. This document is a compilation of DER's protocols and precautions for sampling and analyzing various media. It provides guidelines for preparing Quality Assurance Project Plans, criteria for laboratory consistency, and guidelines on screening sites based on water and soil results.

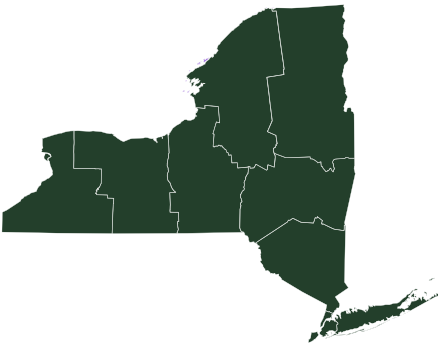
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